

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

ALAN GOLDMAN,

Plaintiff

v.

MCCONNELL VALDES, LLC;
ANTONIO A. ARIAS-LARCADA, his wife
MRS. ARIAS, and the Conjugal Partnership
composed by them;
JOSE IRIZARRY-CASTRO;
JOHN DOE; MARY DOE
UNKNOWN INSURANCE COMPANY;

Defendants

CIVIL NO.: 24cv01136(SCC)

MOTION REQUESTING COURT ORDER (RULING)

TO THE HONORABLE COURT:

NOW APPEAR co-defendants Antonio Arias Larcada, his wife Maria Beale, and the Conjugal Partnership constituted between them, and McConnell Valdés, LLC., through their undersigned counsel, and very respectfully state and pray as follows:

1. On August 27, 2024, the appearing defendants filed a Motion (Dkt. No. 34) pursuant to Fed.R.Civ.P. 35 requesting that the plaintiff be ordered to submit to a mental and physical examination by Dr. José A. Franceschini, a local psychiatrist. Plaintiff did not oppose the defendants' Motion, and on September 18, 2024, the Court granted it, ordering the plaintiff to "submit to a mental and physical examination" at Dr. Franceschini's office on October 21 and 23, 2024. Dkt. No. 45.

2. On October 10, 2024, however, the plaintiff filed a “Motion Requesting Relief” (Dkt. No. 47), wherein he asked the Court to set aside or modify its prior Order, alleging that he was unable to travel to Puerto Rico for the examination due to unspecified medical conditions.
3. On October 16, 2024, the appearing defendants filed their Opposition to the plaintiff’s “Motion Requesting Relief” (Dkt. No. 49), which was subsequently joined by the co-defendants (Dkts. No. 50, 51).
4. Despite the existence of the Court’s Order at Dkt. No. 45, the plaintiff did not appear for the mental and physical examination on October 20, 2024. See, “Informative Motion”, Dkt. No 55.
5. The undersigned has subsequently conferred with counsel for the plaintiff, who insists that the plaintiff cannot come to Puerto Rico for the mental and physical examination ordered by the Court, and who has suggested it be performed remotely. The defendants, on the other hand, understand that the plaintiff has not shown that he is unable to come to Puerto Rico to be physically and mentally examined by Dr. Franceschini, and that he must therefore comply with the Court’s Order at Dkt. No. 45. Further, after consulting with Dr. Franceschini, it is clear that he cannot adequately perform such examination remotely.
6. Because the Court has not ruled on the issues set forth in Dkts. 47, 49, 50 and 51, the parties are at an impasse with respect to this matter, which is delaying the discovery process.

7. Accordingly, it is respectfully requested that the Court immediately rule on the referenced pending motions, such that the parties can continue discovery with the benefit of the Court's ruling.

WHEREFORE, it is respectfully requested that the Honorable Court immediately rule on Dkts. 47, 49, 50 and 51 and take whatever further action it may deem appropriate.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 4th day of November, 2024.

I HEREBY CERTIFY that on this 4th day of November, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all the counsel of record.

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